

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**JACKSON WOMEN’S HEALTH
ORGANIZATION, on behalf of itself and
its patients; SACHEEN CARR-ELLIS, on
behalf of herself and her patients**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:18-cv-171-CWR-FKB

**THOMAS E. DOBBS, M.D., M.H.P., in
his official capacity as State Health Officer
of the Mississippi Department of Health, et al.**

DEFENDANTS

DECLARATION OF JOE SULLIVAN

Pursuant to 28 U.S.C. § 1746, I, Joe Sullivan, declare under penalty of perjury that the following statements, based on my personal knowledge, are true:

1. I am an adult resident citizen of Magee, Mississippi. I am competent to testify to the matters contained in this Declaration, and I give this Declaration voluntarily.

2. I am currently serving as the Chief Information Officer for the Mississippi Legislative Budget Office. I have been serving in that position for two years, and I have been working in information technology for twenty-seven years.

3. In my role as Chief Information Officer, I report to the Joint Operations of the Mississippi Senate and House of Representatives. In that role I am responsible for overseeing all of the information technology (“IT”) needs of the Senate, House, and its staff (the “IT Department”).

4. I have reviewed the six subpoenas issued in the above action to three Senators and officers of the Senate and House (“the Subpoenas”). I have also reviewed a letter from counsel for Plaintiffs dated February 10, 2021, which sets out thirty-seven proposed search terms.

5. I have personal knowledge of the current duties, capabilities, and operations of the IT Department.

6. As stated, the IT Department is tasked with performing all IT services for the Legislature. This includes, among other things, acting as the technology help desk for about 350 individuals, facilitating the Legislature's distribution of information across the State *via* the Mississippi Legislature's website and broadcasts, and maintaining the Legislature's technological capabilities and equipment.

7. A large part of the work required to comply with the Subpoenas would be done by the IT Department. The IT Department would be the entity that would be required to search for and compile the emails requested in the Subpoenas from the Legislators and staff's government-issued email accounts. The IT Department would also be the entity that would be required to search for and compile the electronic documents that are stored on the Legislature's email servers.

8. There is no simple way to compile the emails from the individual Legislators' government-issued email accounts. IT staff will be required to run each of the 37 search terms on each of the separate email accounts, then transfer any responsive emails to a file that can be reviewed by counsel and produced. This process will also be made more difficult because of software changes that have occurred for some of the Legislators and staff's email accounts. Some of the accounts were converted from Exchange to Office 365 at different times since 2013. I estimate it would take approximately five minutes per search term on each of the government-issued email accounts to perform the work necessary to compile all the documents requested. Only the IT Department can perform this function. The IT Department cannot grant any counsel

or any other person access to the email accounts of the Legislators and staff so that they could perform this function.

9. There is also no simple way to compile the electronic documents requested for the Legislators and staff members. IT staff will be required to perform a visual search of each member's documents on the servers. I estimate that it would take approximately 10 to 15 minutes of work to search the electronic servers for each of the Legislators' documents. Only the IT Department can perform this function. The IT Department cannot grant any counsel or other person access to the electronic servers so that they could perform this function.

10. I have been informed that there were a total of 23 different Senators on the Senate Public Health and Welfare Committee and 52 Representatives on the House Public Health and Human Services Committee in 2013 and 2019. Therefore, I have been informed that the IT Department would be performing the search for and compiling the emails and electronic documents for 77 Legislators and their staff.

11. Searching 37 search terms for each of the 77 Legislators would require 2,849 searches. Based on my estimation of five minutes of work for each search term and for each Legislator, searching for and compiling responsive emails on government-issued accounts for the 77 Legislator would take 14,245 minutes or approximately 237 hours.

12. I estimate that performing a search and compiling all electronic documents from the servers for each of the Legislators would require approximately 18 to 25 hours of work.

13. The IT Department does not have access to each of the individual Legislators' personal email accounts. Therefore, the estimated hours of work stated above do not include the amount of time necessary to search personal email accounts.

14. The IT Department does not have access to hard copies of documents that are not saved on the electronic servers and that may be in the possession of individual Legislators and staff. Therefore, the estimated hours of work stated above do not include the amount of time necessary to search for those hard copies of documents.

15. I am not aware of the identities of the staff members whose email accounts and electronic documents would need to be searched or how many staff members that would be. I would need to be informed of this information, and then I would run searches and compile documents for those individuals. The search and compiling of emails and documents for those individuals would be in addition to the estimated hours of work stated above.

16. At present, I have twelve employees at my disposal for use in the IT Department. Only four out of these twelve employees have the authority and ability to search the documents requested by Plaintiffs. Each of these employees works diligently to maintain the normal operations of the IT Department, and facilitating compliance with the Subpoenas would be a substantial burden.

17. The IT Department is already strained by its current operations, especially as a result of the additional audio-visual duties necessitated by COVID-19 and the legislative session. In order to ensure compliance with the Open Meetings Act during the pandemic, the IT department is required to facilitate the live streaming of all committee meetings *via* youtube. The IT department must also facilitate the participation of committee members in those committee meetings *via* zoom. At least one staff member must be present in the committee room at all times during the committee meeting, another staff member must be present in the IT room to facilitate the live stream, and another staff member must be available to answer questions from members who are not in the committee room. It is not uncommon for up to four committee meetings to be

ongoing at any one time. Committee meetings will continue after the session ends. There are also more demand for assistance with technology and other related help-desk services as a result of remote working during the COVID-19 pandemic.

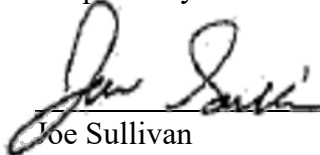
18. The IT Department's duties continue after the session ends. The IT Department is responsible for filing and codifying all laws passed during the session immediately after the session ends. The IT Department is also scheduled to conduct several significant upgrades to the Legislature's technological equipment once the session ends. After the session, the IT Department will be initiating a substantial audio-visual project that will upgrade all the Legislature's audio-visual systems. The IT Department will be installing and calibrating 40-50 new personal computers, revamping and upgrading the Legislature voting board system, and redesigning the Legislature website's web-page search function.

19. The IT Department cannot perform the actions necessary to respond to the Subpoenas during this legislative session without sacrificing the Department's duties to the State. After the session ends, the IT Department's duties to the Legislature and State continue, and the IT Department cannot suspend all its normal operations to comply with the Subpoenas. Therefore, searching for and compiling the emails and documents necessary to respond to the Subpoena will take a great deal of time even after the session ends.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 19, 2021.

Respectfully submitted,



Joe Sullivan